

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ERCTION SPECIALISTS, INC.,)
)
Plaintiff,)
)
v.) No. 3:00-CV-281
)(Shirley)
EDWARDS DEUTZ DIESEL, INC.,)
and DEUTZ CORPORATION,)
)
Defendants;)
)
and)
)
DEUTZ CORPORATION,)
)
Cross-Plaintiff,)
)
v.)
)
EDWARDS DEUTZ DIESEL, INC.,)
)
Cross-Defendant.)

MEMORANDUM & ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 29].

The plaintiff Erection Specialists, Inc. (“ESI”), moves for a review of the taxation of costs incurred by the plaintiff in this case. [Doc. 124]. Specifically, ESI seeks “clarification” with respect to the identity of the party against which said costs are taxed.

The Court has already provided clarification on the issue of the taxation of costs. The defendant and cross-plaintiff Deutz Corporation previously moved for a review and/or clarification of the taxation of costs [Doc. 120], which the Court denied as moot on the grounds that the plaintiff's costs were taxed only against the defendant Edwards Diesel and Tractor. [Doc. 123].

Furthermore, Rule 54(d)(1) of the Federal Rules of Civil Procedure provides that a party may challenge the Clerk's award of costs by filing a motion within five (5) days of the taxing of the costs. The costs in this matter were taxed on October 12, 2005. [Doc. 119]. The plaintiff's motion [Doc. 124] was not filed until November 30, 2005, well beyond the five-day requirement. For these reasons, the Court finds that the plaintiff's motion [Doc. 124] is not well-taken and therefore is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge